

**DISCLAIMER**

*This electronic version of an SCC order is for informational purposes only and is not an official document of the Commission. An official copy may be obtained from the [Clerk of the Commission, Document Control Center](#).*

COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, FEBRUARY 9, 2000

APPLICATION OF

ALLIED RISER OF VIRGINIA, INC.

CASE NO. PUC990093

For certificates of public  
convenience and necessity to  
provide local exchange and  
interexchange telecommunications  
services

ORDER FOR NOTICE AND HEARING

On February 2, 2000, Allied Riser of Virginia, Inc.  
("Allied Riser" or "Applicant"), completed an application for  
certificates of public convenience and necessity  
("certificates") to the State Corporation Commission  
("Commission") to provide local exchange and interexchange  
telecommunications services throughout the Commonwealth of  
Virginia. The Applicant also requested authority to price its  
interexchange services on a competitive basis pursuant to § 56-  
481.1 of the Code of Virginia.

NOW UPON CONSIDERATION of the application, the Commission  
is of the opinion and finds that Allied Riser's application  
should be docketed; that the Applicant should give notice to the  
public of its application; that the Commission Staff should  
conduct an investigation into the reasonableness of the

application and present its findings in a Staff Report; and that a public hearing should be convened to receive evidence relevant to Allied Riser's application for a certificate to provide local exchange services, and if substantive objections are received, evidence shall be received at the public hearing with regard to Allied Riser's application for a certificate to provide interexchange services.

Accordingly, IT IS ORDERED THAT:

(1) This case is docketed and assigned Case No. PUC990093.

(2) A public hearing for the purpose of receiving evidence relevant to Allied Riser's application for a certificate to provide local exchange services is scheduled for March 29, 2000, at 10:00 a.m. in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia. If substantive objections to Allied Riser's application for a certificate to provide interexchange services are received on or before March 8, 2000, the Commission will also hear evidence on this issue at the March 29, 2000, public hearing. If no such substantive objections are received on or before March 8, 2000, the Commission may grant Allied Riser's requested certificate to provide interexchange services without conducting a hearing.

(3) On or before February 23, 2000, the Applicant shall complete publication of the following notice, which may be

published on one (1) occasion as classified advertising in newspapers having general circulation throughout the Applicant's proposed service territory:

NOTICE TO THE PUBLIC OF AN APPLICATION BY  
ALLIED RISER OF VIRGINIA, INC., FOR  
CERTIFICATES OF PUBLIC CONVENIENCE AND  
NECESSITY TO PROVIDE LOCAL EXCHANGE AND  
INTEREXCHANGE TELECOMMUNICATIONS SERVICES  
THROUGHOUT THE COMMONWEALTH OF VIRGINIA  
CASE NO. PUC990093

On February 2, 2000, Allied Riser of Virginia, Inc. ("Allied Riser" or "Applicant"), completed an application with the State Corporation Commission ("Commission") for certificates of public convenience and necessity ("certificates") to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia. In its application, the Applicant also requested authority to price its interexchange services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia.

A public hearing will be convened on March 29, 2000, at 10:00 a.m. in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia, to hear evidence relevant to Allied Riser's application for a certificate to provide local exchange services. The Commission will hear evidence on Allied Riser's application for a certificate to provide interexchange services at the March 29, 2000, public hearing only if substantive objections to this portion of the application are filed on or before March 8, 2000. If no such substantive objections are received, the Commission may grant the certificate to provide interexchange services without a hearing.

Copies of the application are available for public inspection between the hours of 8:15 a.m. and 5:00 p.m. in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, or can be ordered from Allied Riser's counsel, Warren G. Lavey, Esquire, and Kirk L. Peterson, Esquire, Skadden, Arps, Slate, Meagher, & Flom (Illinois), 333 West Wacker Drive, Suite 2100, Chicago, Illinois 60606-1285.

Any person desiring to comment in writing on Allied Riser's application for certificates to provide local exchange services or interexchange services may do so by directing such comments on or before March 8, 2000, to the Clerk of the Commission at the address set out below. Any person desiring to make a statement at the public hearing concerning Allied Riser's application for a certificate to provide local exchange services need only appear in the Commission's second floor courtroom at 9:45 a.m. on the day of the hearing and identify himself or herself as a public witness to the Commission's Bailiff.

Any person who expects to submit evidence, cross-examine witnesses, or otherwise participate in the proceeding as a Protestant, pursuant to Commission Rule 4:6 of the Commission's Rules of Practice and Procedure, should promptly obtain a copy of the Order for Notice and Hearing from the Clerk of the Commission for complete details of the procedural schedule and instructions on participation.

Individuals with disabilities who require an accommodation to participate in the hearing should contact the Commission at least seven (7) days before the scheduled hearing date at 1-800-552-7945 (voice) or 1-804-371-9206 (TDD).

All written communications to the Commission concerning Allied Riser's application should be directed to Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and must refer to Case No. PUC990093.

ALLIED RISER OF VIRGINIA, INC.

(4) On or before February 23, 2000, Applicant shall give notice of its application to each local exchange telephone carrier certificated in Virginia and each interexchange carrier certificated in Virginia by personal delivery or first-class mail, postage prepaid, to the customary place of business or residence of the person served. Lists of all current local exchange and interexchange carriers in Virginia are attached to this Order as Appendices A and B, respectively.

(5) On or before February 28, 2000, the Applicant shall prefile with the Commission an original and fifteen (15) copies of any additional direct testimony it intends to present at the public hearing. Copies shall also be served on any person who files a Notice of Protest.

(6) On or before March 8, 2000, any person desiring to participate as a Protester as defined in Rule 4:6 of the Commission's Rules of Practice and Procedure ("Rules") shall file an original and fifteen (15) copies of a Notice of Protest as provided in Rule 5:16(a), and shall serve a copy of the same on Allied Riser's counsel, Warren G. Lavey, Esquire, and Kirk L.

Peterson, Esquire, Skadden, Arps, Slate, Meagher & Flom  
(Illinois), 333 West Wacker Drive, Suite 2100, Chicago, Illinois  
60606-1285.

(7) On or before March 8, 2000, any person wishing to lodge an objection to Allied Riser's application for a certificate to provide interexchange services shall file an original and fifteen (15) copies of its objection in writing with Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Written objections shall refer to Case No. PUC990093 and shall state with specificity why a hearing is necessary. If substantive objections are received, the Commission will hear evidence relevant to this portion of the application at the March 29, 2000, public hearing.

(8) Any person desiring to comment in writing on Allied Riser's application for a certificate to provide interexchange services may do so by directing such comments on or before March 8, 2000, to the Clerk of the Commission at the address set forth above. Written comments must refer to Case No. PUC990093.

(9) Any person desiring to comment in writing on Allied Riser's application for a certificate to provide local exchange services may do so by directing such comments on or before March 8, 2000, to the Clerk of the Commission at the address set out above. Comments must refer to Case No. PUC990093. Any

person desiring to make a statement at the public hearing concerning the application for a certificate for local exchange services need only appear in the Commission's second floor courtroom at 9:45 a.m. on the day of the hearing and identify himself or herself to the Bailiff as a public witness.

(10) Any person who expects to submit evidence, cross-examine witnesses, or otherwise participate in the proceeding as a Protestant pursuant to Rule 4:6 shall file on or before March 8, 2000, an original and fifteen (15) copies of its Protest, referring to Case No. PUC990093, and shall on the same day mail a copy thereof to Allied Riser at the address identified above and to any other Protestants. The Protest shall set forth (i) a precise statement of the interest of the Protestant in the proceeding; (ii) a full and clear statement of the facts which the Protestant is prepared to prove by competent evidence; and (iii) a statement of the specific relief sought and the legal basis therefor. Any corporate entity that wishes to submit evidence, cross-examine witnesses, or otherwise participate as a Protestant must be represented by legal counsel in accordance with the requirements of Rule 4:8 of the Commission's Rules.

(11) On or before March 8, 2000, each Protestant shall file with the Clerk of the Commission an original and fifteen (15) copies of the prepared testimony and exhibits the

Protestant intends to present at the hearing, and shall on the same day mail a copy of the same to Allied Riser and other Protestants. Service upon Allied Riser shall be made at the address set forth above.

(12) The Commission Staff shall analyze the reasonableness of Allied Riser's application and present its findings in a Staff Report to be filed on or before March 17, 2000.

(13) On or before March 17, 2000, if necessary, the Commission Staff may file with the Clerk of the Commission an original and fifteen (15) copies of any prepared testimony and exhibits it intends to present at the public hearing. A copy of the Staff's direct testimony shall be mailed to counsel for the Applicant and to each Protestant.

(14) On or before March 23, 2000, the Applicant shall file with the Clerk of the Commission an original and fifteen (15) copies of any testimony it expects to introduce in rebuttal to any direct prefiled testimony of Staff and Protestants. A copy of the rebuttal testimony shall be mailed to Staff and each Protestant by overnight delivery.

(15) At the commencement of the hearing scheduled herein, Allied Riser shall provide to the Commission proof of the notice and service required by Ordering Paragraphs (3) and (4) herein.

(16) The Applicant shall respond to written interrogatories or data requests within seven (7) days after the



receipt of the same. Protestants shall provide to the Applicant, other Protestants and Staff any workpapers or documents used in preparation of their prefiled testimony, promptly upon request. Except as so modified, discovery shall be in accordance with Part VI of the Rules.